

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:21-CV-00462-FDW-DSC**

PREMIER INC. et. al.,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
THE PREMIER HEALTHCARE SOLUTION LLC,)	
)	
Defendant.)	

THIS MATTER is before the Court on pro se Defendant’s “Motion to Dismiss … [or] Appoint Counsel” (document #8) and Plaintiffs’ “Motion to Strike...” (document # 9).

On September 27, 2021, the pro se corporate Defendant filed its Motion to Dismiss or in the alternative for the appointment of counsel. Defendant cites no applicable authority supporting its request for court appointed counsel in a civil case. Moreover, the Court is not aware of any case law, statute, Federal Rule of Civil Procedure, or Local Rule requiring the appointment of counsel in a civil case such as this, and no funds have been appropriated for that purpose.

The Court warns Defendant that it must immediately retain substitute counsel. Indeed, “[i]t has been the law for the better part of two centuries … that a corporation may appear in federal courts only through licensed counsel.” Rowland v. California Men’s Colony, 506 U.S. 194, 201-02 (1993). Accord Gilley v. Shoffner, 345 F. Supp. 2d 563, 566 (M.D.N.C. 2004) (dismissing complaint of pro se corporate plaintiff); Microsoft Corp. v. Computer Serv. & Repair, Inc., 312 F. Supp. 2d 779, 780 (E.D.N.C. 2004) (same); Lexis-Nexis v. TraviShan Corp., 155 N.C. App. 205, 208, 573 S.E.2d 547, 549 (2002) (same).

Accordingly, it is further **ORDERED** that Defendant The Premier Healthcare Solution LLC shall secure counsel who shall file an entry of appearance within thirty days of the date of this Order.

In the event Defendant does not secure counsel within this period of time, Plaintiffs may file a motion requesting appropriate relief based upon Defendant's failure to retain counsel.

For those and the other reasons set forth therein, Plaintiffs' Motion to Strike will be granted.

NOW IT IS HEREBY ORDERED that:

1. Plaintiffs' "Motion to Strike..." (document # 9) is **GRANTED** and Defendant's "Motion to Dismiss ... [or] Appoint Counsel" (document #8) is **STRICKEN**.
2. The Clerk is further directed to send copies of this Order to Plaintiffs' counsel, to pro se Defendant, and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: October 28, 2021



David S. Cayer
United States Magistrate Judge 